CANADA

AIR REGULATIONS AND AERONAUTICS ACT

FIFTH EDITION

DEPARTMENT OF TRANSPORT

CIVIL AVIATION BRANCH

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The issue of amendments is announced regularly in Aeronautical Information Circulars which holders of this publication should consult. The space below is provided to keep a record of such amendments.

RECORD OF AMENDMENTS

NUMBER	DATE	DATE ENTERED	ENTERED BY
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THE AIR REGULATIONS

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9	66-423	28 Sept., 1966	2 Sept., 1966
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11	67-442	13 Sept., 1967	23 Aug., 1967
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12	68-153	8 May, 1968	17 April, 1968
	69-233	28 May, 1969	6 May, 1969
	69-627	24 Dec., 1969	8 Dec., 1969
	70-86	11 Mar., 1970	24 Feb., 1970

THE AIR REGULATIONS

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PART I

GENERAL

SHORT TITLE

100. These Regulations may be cited as the Air Regulations.

INTERPRETATION

101. In these Regulations,

(1) "acrobatic flight" means manoeuvres intentionally performed by an aircraft, involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

(2) "aerodrome" means any area of land, water (including the frozen surface thereof) or other supporting surface used or intended to be used either in whole or in part for the arrival and departure, movement or servicing of aircraft, and includes any buildings, installations and equipment in connection therewith;

(3) "aerodrome traffic zone" means an airspace extending upwards vertically from the surface of the earth and designated as an aerodrome traffic zone in the Designated Airspace Handbook issued under the authority of the Minister;

(4) "aeroplane" means a power-driven heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

(4a) "air carrier" means any person who operates a commercial air service;

(5) "aircraft" means any machine capable of deriving support in the atmosphere from the reactions of the air;

(6) "aircraft accident" means an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which

(a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or

(b) the aircraft receives substantial damage or is destroyed;

(7) "aircraft accident investigator" means a person designated by the Minister to investigate aircraft accidents;

(7a) "aircraft accident site" means the area of land or water where an aircraft accident has occurred and includes any area in which are located the aircraft, any contents from or parts of the aircraft and any cuts, impressions, slashes, tears or other marks in or upon the ground or on any structure, vegetation or other matter located thereon that are made by the aircraft or the parts or contents of the aircraft;

(8) "airport" means an aerodrome for which, under Part III, an airport licence has been issued by the Minister;

(9) "airport traffic" means all traffic on the manoeuvring area of an airport and all aircraft flying in the vicinity of an airport;

(10) "airship" means a power-driven lighter-than-air aircraft;

(11) "air traffic" means all aircraft in flight and aircraft operating on the manoeuvring area of an aerodrome;

(12) "air traffic control clearance" means authorization by an air traffic control unit for an aircraft to proceed under specified conditions;

(13) "air traffic control instruction" means a directive issued by an air traffic control unit for air traffic control purposes;

(14) "air traffic control service" means a service as specified in Part VI, provided for the purpose of

(a) preventing collisions
  (i) between aircraft; and
  (ii) on the manoeuvring area between aircraft and obstructions and
(b) expediting and maintaining an orderly flow of air traffic;

(15) "air traffic control unit" means

(a) an area control centre established to provide air traffic control service to IFR flights;
(b) a terminal control unit established to provide air traffic control service to IFR flights operating within a terminal control area; or
(c) an airport control tower unit established to provide air traffic control service to airport traffic

as the circumstances require;

(15a) "airworthy" means, in respect of an aircraft or aircraft part, in a fit and safe state for flight and in conformity with the standards of airworthiness established by the Minister in respect of that aircraft or aircraft part;

(16) "alternate airport" means an aerodrome specified in a flight plan to which a flight may proceed when a landing at the intended destination becomes inadvisable;

(16a) "approved model rocket engine" means a commercially manufactured device approved by the Minister of Energy, Mines and Resources for the propulsion of model rockets;

(16b) "approved model rocket propellent mixture" means a combustible chemical mixture authorized to be manufactured under the Explosives Act for use in approved model rocket engines;

(17) "balloon" means a motorless lighter-than-air aircraft;

(17a) "Canada Air Pilot" means the publication referred to in section 552;

(18) "Canadian aircraft" means an aircraft registered in Canada under Part II;

(19) "ceiling" means the lowest height at which a broken or overcast condition exists, or the vertical visibility when an obscured condition such as snow, smoke or fog exists, whichever is the lower;

(20) "certificate of airworthiness" means a conditional certificate of fitness for flight issued in respect of a particular aircraft under Part II of these Regulations or under the laws of the state in which the aircraft is registered;

(20a) "certificate of registration" means a certificate issued pursuant to section 206;

(20b) "certificate of transfer of ownership" means a certificate referred to in paragraph (c) of subsection (2) of section 207;

(21) "civil aircraft" means any aircraft other than a military aircraft;

(22) "commercial aircraft" means an aircraft operated or available for operation for hire or reward;

(23) "commercial air service" means any use of aircraft for hire or reward;

(24) "contracting state" means a state that is a party to the Convention;

(25) "control area" means a controlled airspace extending upwards vertically from a specified height above the surface of the earth and designated as a control area in the Designated Airspace Handbook issued under the authority of the Minister;

(26) "controlled airport" means an airport at which an air traffic control unit is provided;

(27) "controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided;

(28) "control zone" means a controlled airspace extending upwards vertically from the surface of the earth and designated as a control zone in the Designated Airspace Handbook issued under the authority of the Minister;

(29) "Convention" means the Convention on International Civil Aviation signed on behalf of Canada at Chicago on the seventh day of December, 1944;

(29a) "crew member" means a person assigned to duty in an aircraft during flight time;

(30) "critical engine" means the engine the failure of which gives the most adverse effect on the aircraft characteristics relative to the aircraft under consideration;

(31) "cruising altitude" means an altitude, as shown by a constant altimeter indication in relation to a fixed and defined datum, maintained during a flight or portion thereof;

(31a) "daylight" means in respect of any place in Canada, the period of time in any day when the centre of the sun's disc is less than 6° below the horizon, which in any place where the sun rises and sets daily shall be deemed to be the period of time commencing one-half hour before sunrise and ending one-half hour after sunset;

(31b) "day VFR" means, in respect of the flight of any aircraft in Canada, a flight conducted in accordance with VFR during the hours of daylight;

(31c) "Designated Airspace Handbook" means the publication referred to in section 502A;

(31d) "Engineering and Inspection Manual" means the publication referred to in subsection (9) of section 211;

(32) "flight crew member" means a crew member acting as pilot-in-command, co-pilot, flight navigator, or flight engineer of an aircraft during flight time;

(32a) "flight information region" means an airspace of defined dimensions extending upwards from the surface of the earth within which flight information service and alerting service is provided;

(33) "flight notification" means specified information submitted in accordance with section 534, relative to the intended flight of an aircraft;

(34) "flight permit" means a permit issued pursuant to section 211;

(35) "flight plan" means specified information submitted in accordance with section 534 or 545, relative to the intended flight of an aircraft;

(36) "flight time" means the total time from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

(37) "flight visibility" means the average range of visibility at any given time forward from the cockpit of an aircraft in flight;

(38) "glider" means a motorless heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

(39) "ground visibility" means the visibility at an airport, as reported by an observer accredited by the Minister for the purpose;

(39a) "gyroplane" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors that rotate freely on substantially vertical axes;

(40) "heavier-than-air aircraft" means any aircraft deriving its lift in flight from aerodynamic forces;

(41) "helicopter" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

(42) "instrument flight rules" means the rules set forth in Division IV of Part V of these Regulations and in the orders and directions made by the Minister thereunder;

(43) "IFR" means the instrument flight rules;

(44) "IFR weather conditions" means weather conditions below the minima prescribed pursuant to section 541;

(45) "IFR flight" means a flight conducted in accordance with the instrument flight rules;

(46) "issue", in relation to any document, includes any renewal, endorsement or validation thereof as provided in these Regulations, and "issued" has a corresponding meaning;

(47) "landing", in relation to an aircraft, means the act of coming into contact with a supporting surface, and includes the immediately preceding and following acts, and in relation to an airship or free balloon means the act of bringing the airship or balloon under restraint, and includes the immediately preceding and following acts;

(48) "lighter-than-air aircraft" means any aircraft supported by its buoyancy in the air;

(49) "making way" means the state of being underway on the surface of the water and having a velocity relative to such surface;

(50) "manoeuvring area" means that part of an airport ordinarily used for the taking-off and landing of aircraft and for the movement of aircraft associated with take-off and landing;

(51) "Minister" means the Minister as defined in the Aeronautics Act;

(51a) "model rocket" means a rocket

(a) that is constructed of balsa wood paper and plastics containing no substantial metal parts,

(b) that is equipped with an approved model rocket engine, the gross weight of which including its engine and propellent does not exceed 16 ounces,

(c) the engine of which does not contain more than 4 ounces of approved model rocket propellent mixture at the time of launching, and

(d) that has a parachute or other means for retarding its descent so that no hazard is created to persons or property on the ground;

(51b) "new owner" means a person who has accepted, by means of a certificate of transfer of ownership, transfer of ownership of an aircraft registered in Canada under Part II;

(52) "night" means, in respect of any place in Canada, the period of time when the centre of the sun's disc is more than 6° below the horizon, which in any place where the sun rises and sets daily shall be deemed to be the period of time commencing one-half hour after sunset and ending one-half hour before sunrise;

(52a) "night VFR" means, in respect of the flight of any aircraft in Canada, a flight conducted in accordance with VFR during the hours of night;

(53) "operator", with reference to an aircraft, means the person in possession of the aircraft, whether as owner, lessee, hirer, or otherwise; and with reference to an airport, means the holder of the airport licence, or the person in charge of such airport, whether as employee, agent or representative of the holder of such licence;

(54) "overtaking aircraft" means an aircraft that is approaching another from the rear on a line forming an angle of less than 70° with the plane of symmetry of the latter; i.e. is in such a position with reference to the other aircraft that at night it is not ordinarily possible to see either of the aircraft's forward lights;

(55) "owner", with reference to an aircraft, includes:

(a) the person in whose name the aircraft is registered,

(b) a person in possession of the aircraft as purchaser under a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or the performance of certain conditions,

(c) a person in possession of the aircraft as chattel mortgagor under a chattel mortgage, and

(d) a person in possession of the aircraft under a bona fide lease or agreement of hire;

(55a) "ownership" refers to the person having legal custody and control of an aircraft;

(55b) "personnel licence" means a licence, certificate or permit issued or validated under Part IV of these Regulations;

(56) "pilot-in-command" means the pilot responsible for the operation and safety of the aircraft during flight time;

(57) "private aircraft" means a civil aircraft other than a commercial aircraft or a state aircraft;

(57a) "registered owner" means a person to whom a certificate of registration has been issued;

(57ab) "rocket" means a projectile containing its own propellant and depending for its flight upon the reaction set up by a continuous jet of rapidly expanding gases released in the propellant by ignition or by the mixture of two liquids;

(57b) "serviceable" means, in respect of an aircraft or aircraft part, in a fit and safe state for flight;

(58) "state aircraft" means a civil aircraft owned by and exclusively used in the service of Her Majesty in right of Canada or in right of any province;

(59) "taking-off", in relation to an aircraft, means the act of abandoning a supporting surface and includes the immediately preceding and following acts, and in relation to an airship or balloon means the act of freeing the airship or balloon from restraint, and includes the immediately preceding and following acts;

(60) "ultra-light aircraft" means an aircraft designated as such pursuant to subsection (3) of section 211;

(61) "under control" means the state of being manoeuvrable in accordance with these Regulations or the Regulations under the Canada Shipping Act for preventing collisions at sea;

(62) "under way" means the state of being on the surface of the water but not moored or fastened to any fixed object on the land or in the water;

(63) "vessel" means any ship, boat or other vessel used for navigation on water;

(64) "VFR" means the visual flight rules;

(65) "VFR flight" means a flight conducted in accordance with the visual flight rules, and "special VFR flight" means a flight conducted in accordance with directions issued by the Minister under section 503;

(66) "VFR weather conditions" means weather conditions equal to or above the minima prescribed pursuant to section 541;

(67) "visibility" means the distance at which prominent unlighted objects may be identified by day and prominent lighted objects may be identified by night; and

(68) "visual flight rules" means the rules set forth in Division III of Part V of these Regulations and in the orders and directions made by the Minister thereunder.

APPLICATION

102. (1) Except as provided in this Part, these Regulations apply in respect of all aircraft in Canada and all Canadian aircraft when flown outside of Canada.

(2) These Regulations do not apply in respect of

(a) a military aircraft of Her Majesty when manoeuvring under the authority of the Minister of National Defence; or

(b) military aircraft of a country other than Canada, to the extent that the Minister of National Defence has specifically exempted any such aircraft from the application of these Regulations.

(3) These Regulations do not apply in respect of Canadian aircraft when flown within or over the territory of a country other than Canada, insofar as they are inconsistent with or repugnant to the laws and procedures of such other country.

(4) The Minister may exempt any person, aircraft or aerodrome in whole or in part from the application of these Regulations or any portion thereof.

103. For the purposes of these Regulations a state aircraft shall be deemed to be a commercial aircraft.

104. The Minister may prescribe standards for the supervision and control of aeronautics and conditions under which aircraft registered pursuant to these Regulations may be operated and without restricting the generality of the foregoing, may prescribe standards and conditions

(a) for the registration and identification of aircraft;

(b) for the certification and inspection of aircraft;

(c) for the physical and associated characteristics of and the equipment used at aerodromes;

(d) for the licensing of flight crews, air traffic control officers and aircraft maintenance personnel;

(e) governing the conduct of visual and instrument flights;

(f) for the establishment and operation of air traffic control, flight information and alerting services;

(g) that will ensure in similar operations throughout the world a level of safety above a prescribed minimum;

(h) that will ensure uniformity in the notification, investigation and reporting of aircraft accidents;

104. (cont'd)

(i) for the dissemination of meteorological information for aircraft operations;

(j) for a dimensional system for all air navigation and air traffic control purposes;

(k) for the standardization of communications equipment and systems and of communications procedures used in air navigation; and

(l) for the collection, publication and dissemination of aeronautical information required for air navigation and aircraft operations.

PART II

REGISTRATION, CERTIFICATION AND MARKING

DIVISION I

AIRCRAFT REGISTRATION

200. No person shall fly an aircraft in Canada unless it is registered

(a) under this Part, or

(b) under the laws of a contracting state or a state that is a party to an agreement entered into with Canada relating to interstate flying.

200A. No person shall fly an aircraft referred to in paragraph (b) of section 200 if that aircraft has been in Canada for an aggregate period of ninety days or more during the preceding twelve months or any part thereof except where

(a) the contracting state under the laws of which the aircraft is registered grants reciprocal privileges under like terms and conditions in respect of aircraft registered under this Part; and

(b) the operator is a citizen or subject of that state or is a corporation under the laws of that state.

201. The Minister shall cause a register of aircraft to be maintained in which shall be entered the names and addresses of the owner or owners of every aircraft registered under this Part and such other particulars concerning the aircraft as the Minister directs.

202. Subject to this Part, the Minister may direct that no aircraft shall be registered under this Part except upon application for registration of the aircraft in such form as may be prescribed by the Minister and except upon such terms and conditions as may be prescribed by him.

203. The Minister may, subject to this Part, register any aircraft under this Part as a commercial aircraft, private aircraft or state aircraft.

204. (1) No aircraft shall be registered under this Part unless,

(a) it is a state aircraft or is owned exclusively by a person qualified under subsection (2) to be the registered owner of a Canadian aircraft;

(b) there is in force in respect of the aircraft a certificate of airworthiness or a flight permit issued under this Part;

(c) all duties due and payable under the laws of Canada in respect of the importation of the aircraft into Canada have been paid; and

(d) the aircraft is not registered elsewhere than in Canada.

(2) For the purpose of paragraph (a) of subsection (1), a person is qualified to be the registered owner of a Canadian aircraft who is

(a) a Canadian citizen,

(b) a person, lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than six years,

(c) a corporation incorporated under the laws of Canada or any province, at least two-thirds of the directors of which are Canadian citizens, or

(d) in the case of a private aircraft,

(i) a citizen or subject of a contracting state who normally resides in Canada, or

(ii) a corporation incorporated under the laws of Canada o a province.

205. Nothwithstanding anything in this Part, an aircraft that is the subject of

(a) a chattel mortgage;

(b) a bona fide lease; or

(c) a conditional sale or hire purchase agreement that reserves to the vendor the title to the aircraft until payment in full of the purchase price or the satisfaction of some other condition,

may be registered in the name of the mortgagor, lessee or purchaser as owner of the aircraft if that mortgagor, lessee or purchaser is qualified under section 204 to be the registered owner of a Canadian aircraft and the Minister is satisfied that it is in the public interest so to do.

206. Upon the registration of an aircraft under this Part a registration mark and certificate of registration shall be issued and delivered to the owner as prescribed by the Minister.

207. (1) Where any Canadian aircraft is destroyed or permantly withdrawn from use, the owner of the aircraft shall forthwith so notify the Director of Civil Aviation in writing and the registration of the aircraft shall be deemed to have been cancelled as of the date of such notification.

(2) Where the ownership of an aircraft registered under this Part is changed, the certificate of registration of that aircraft shall, for the purposes of the new owner, be valid for a period of 30 days from the date of the change in ownership where

(a) the new owner is a person qualified to be the registered owner of a Canadian aircraft;
(b) there is in force in respect of the aircraft at the time of change in ownership, a certificate of airworthiness or flight permit issued pursuant to this Part;
(c) the certificate of transfer of ownership printed on the reverse side of the certificate of registration has been fully completed and executed by
  (i) the registered owner, and
  (ii) the new owner; and
(d) a certificate of transfer of ownership certifying the transfer of ownership to the new owner is carried on board the aircraft.

(3) The person who was the owner of an aircraft registered under this Part prior to completion and execution of a certificate of transfer of ownership, shall forthwith notify in writing the Director, Civil Aviation of any change in ownership of the aircraft.

(4) The new owner of an aircraft registered under this Part, shall, within 30 days after acquiring ownership of the aircraft, apply in accordance with section 202 to have the aircraft registered in his name.

(5) Where the new owner of an aircraft fails to comply with subsection (4), the certificate of registration of that aircraft shall expire and the registration of that aircraft shall be deemed to have been cancelled.

(6) The nationality and registration marks of a Canadian aircraft shall not be altered unless the aircraft is subsequently registered in a country other than Canada.

(7) Subject to subsection (8) the Minister may cancel or withdraw the registration of any aircraft registered under this Part.

(8) Where the Minister intends to cancel or withdraw the registration of an aircraft he shall send a notice by registered mail to the owner or owners of that aircraft at the most recent address or addresses recorded for the owner or owners in the register of aircraft referred to in section 201 advising the owner or owners that the registration of the aircraft will be cancelled or withdrawn unless within thirty days from the date of mailing the notice the owner or owners satisfy the Minister that the registration should not be cancelled or withdrawn.

(9) The registered owner of an aircraft shall notify the Director, Civil Aviation in writing within seven days of any change in his permanent address.

208. (1) Where a Canadian aircraft that is a private aircraft is owned by other than a Canadian citizen or a corporation mentioned in paragraph (c) of subsection (2) of section 204, it shall not be operated outside Canada except in accordance with subsection (2).

(2) An aircraft described in subsection (1) may be operated outside Canada if

(a) each period of absence of the aircraft from Canada does not exceed sixty days; and

(b) the aggregate periods of absence of the aircraft from Canada do not exceed six months in any twelve-month period.

209. REVOKED.

DIVISION II

AIRCRAFT AIRWORTHINESS

210. No person shall fly or attempt to fly an aircraft unless there is in force in respect of the aircraft a certificate of airworthiness issued under this Part or under the laws of the country in which the aircraft is registered or a flight permit issued under this Part, and unless all conditions upon which the certificate or permit was issued have been complied with.

211. (1) The Minister may establish standards of airworthiness for aircraft, including requirements in respect of the design, construction, weight, instruments and equipment of the aircraft and any other matter relating to the safety of such aircraft.

211. (2) The Minister, upon being satisfied that an aircraft conforms to the standards of airworthiness established in respect of that aircraft, may issue a certificate to be known as a certificate of airworthiness, in a form prescribed by the Minister.

(3) The Minister may designate any aircraft as an ultra-light aircraft where, by reason of its low weight or wing loading and its particular design, it is not practicable to prescribe standards of airworthiness for it.

(4) The Minister may issue in respect of an ultra-light aircraft or a private aircraft a permit (to be known as a flight permit) in a form prescribed by the Minister, and may make directions concerning equipment, weight, instruments and any other matters relating to the operation of such aircraft.

(5) The Minister may issue in respect of an aircraft a permit (to be known as a flight permit) in a form prescribed by the Minister, in any case where the aircraft is to be operated for purposes of experiment, test, demonstration or other special flight.

(6) A certificate of airworthiness or flight permit issued under this Part shall contain such conditions relating to the equipment, maintenance and operation of the aircraft as may be prescribed by the Minister, and the conditions so prescribed may be amended at any time by the Minister.

(7) The Minister may at any time inspect or cause to be inspected any aircraft in Canada, or any aircraft in respect of which a certificate of airworthiness or flight permit has been issued under this Part.

(8) The Minister may establish standards for the inspection, maintenance, modification, repair and overhaul of any aircraft including requirements in respect of the instruments and equipment and any other matter relating to the safety of such aircraft.

(9) The Minister may cause an Engineering and Inspection Manual to be published and maintained which shall prescribe the procedures for the determination of airworthiness of aircraft including the frequency of inspections, responsibilities and methods of servicing, maintenance, overhaul, repair and modification and such other matters with regard to the airworthiness of aircraft as the Minister may direct.

212. The Minister may, if he has reason to believe that an aircraft is unsafe for flying, suspend the certificate of airworthiness or flight permit issued in respect of that aircraft.

213. The Minister may cancel or suspend a certificate of airworthiness or a flight permit where

(a) he is of the opinion that cancellation or suspension is advisable having regard to the safety of aerial navigation,
(b) the certificate or permit has been mutilated, altered or rendered illegible, or
(c) the aircraft in respect of which the certificate or permit was issued has been destroyed or withdrawn from use.

214. An aircraft type approval may be issued by the Minister in respect of any type of aircraft that in his opinion complies with standards of airworthiness approved or established by the Minister.

215. The Minister may make directions with respect to the times when a certificate of airworthiness or flight permit are in force.

216. The Minister may prescribe such additional requirements in respect of the equipment and maintenance of any aircraft as he considers necessary by reason of the conditions under which the aircraft is operated.

217. No person shall fly or attempt to fly any aircraft unless

(a) the weight of the aircraft and its load does not exceed the maximum permissible weight specified in the certificate of airworthiness or flight permit;
(b) the load is properly disposed in accordance with the conditions of the certificate of airworthiness or flight permit;
(c) the equipment and any cargo carried are secured so as to prevent shifting in flight and are not so placed as to block or restrict the exit of passengers in an emergency;
(d) the required emergency equipment is carried on board and is in good condition; and
(e) the aircraft is safe and fit in all respects for the intended flight.

218. Every operator engaged in private or commercial air operation shall, when required by a person thereto authorized by the Minister, permit such person to have access to and to inspect and examine all parts of the premises, aircraft, equipment and records used in such operations and to make such enquiries as he deems necessary for the purpose of this Part.

219. Where any Canadian aircraft is damaged to such an extent that repairs other than ordinary running repairs or replacements are necessary, the owner or pilot-in-command thereof shall notify the Minister forthwith, giving full particulars of such damage.

219A. No person shall certify as airworthy or serviceable any aircraft or aircraft part that is not airworthy or serviceable.

DIVISION III

NATIONALITY AND REGISTRATION MARKS

220. (1) No person shall fly or attempt to fly an aircraft unless its nationality and registration marks are painted on or affixed to the aircraft in the manner prescribed by the laws of the state in which the aircraft is registered, and are clean and visible.

(2) The nationality and registration marks of a Canadian aircraft shall be painted on or affixed to the aircraft as may be directed by the Minister.

221. Every aircraft shall carry a fireproof identification plate inscribed with its nationality and registration marks, which plate shall be secured in a prominent position near the main entrance to the aircraft.

222. The nationality mark of a Canadian aircraft shall be a combination of two capital letters, and the registration mark shall be a combination of three capital letters, as specified by the Minister.

PART III

AERODROMES

300. No area of land or water shall be used as an airport unless it has been licensed as such as provided in this Part.

301. The Minister may issue in respect of any aerodrome that contains such installations and equipment for the arrival, departure, movement or servicing of aircraft as are specified by him, a licence, to be known as an airport licence, entitling the person named therein to operate the aerodrome as an airport.

302. Every airport licence shall be in such form as the Minister prescribes and shall contain such conditions relating to the installation, equipment, maintenance, lighting, marking, use and operation of the airport as the Minister deems necessary, and the conditions so contained in the licence may be amended at any time by the Minister.

303. Subject to these Regulations, the Minister may prescribe the conditions upon which airport licences may be issued and the form of applications for airport licences.

304. The Minister may cancel or suspend an airport licence at any time for any reason that to him seems sufficient.

305. The holder of an airport licence shall

(a) comply with all conditions of issue of such licence; and

(b) keep the licence and a copy of the tariff of fees prescribed or approved for the airport displayed in a prominent place at the airport.

306. An airport licence is not valid after fourteen days from the date of any change in the ownership of the airport in respect of which it was issued, unless sooner renewed by the Minister.

307. No person shall knowingly use any airport for any purpose contrary to the conditions of issue of the airport licence.

308. State aircraft shall be permitted the use of any airport and its facilities at all reasonable times, subject to the conditions of issue of the airport licence.

309. As soon as possible after landing at any airport, the pilot-in-command of the aircraft shall report or cause to be reported the fact of such landing to the operator of the airport or his accredited representative.

310. Every airport and all aircraft using the airport are subject at all times to inspection by the Minister or any person thereto authorized by him, but no building used exclusively for purposes relating to the construction or design of aircraft or aircraft equipment is subject to inspection by any such person except upon the written order of the Minister.

311. The Minister may make directions

(a) prescribing the marks and lights to be displayed by day and by night at any aerodrome;

(b) prescribing or approving the fees that may be charged for the use of any airport or its facilities; and

(c) prescribing such other conditions as he deems necessary respecting the operating of any aerodrome.

312. During daytime periods of poor visibility, lights used for the night lighting of aerodromes shall be operated whenever possible and insofar as may be necessary under the circumstances.

313. No person shall

(a) walk, stand, drive or park any vehicle, or cause any obstruction on any part of an airport used for the movement of aircraft, except in accordance with permission given by the appropriate

313. (a) cont'd

air traffic control unit or, in the absence of any such unit, by the operator of the airport;

(b) operate any vessel on or cause any floating or other obstruction on the surface of any part of the water area of an airport that is necessary for the safe and proper navigation of aircraft to be kept clear of obstructions, when warned off, by signal or otherwise, by the appropriate air traffic control unit or other person as provided in paragraph (a);

(c) mark or display at any place other than an aerodrome any mark, light or signal calculated or likely to induce any person to believe that the place is an aerodrome;

(d) exhibit at or in the vicinity of an aerodrome any light or signal which may endanger the safety of aircraft by reason of glare or by causing confusion with or preventing clear visual reception of any light or signal prescribed by these Regulations;

(e) knowingly remove, deface, extinguish or interfere with any light or signal used for the purpose of air navigation;

(f) allow any animal that is owned by him or is in his custody or control to run at large within the boundaries of an airport or an aerodrome;

(g) discharge any firearm within or into the boundaries of an airport or an aerodrome without the permission of the operator of the airport or the aerodrome; or

(h) smoke or cause or display an open flame on any part of an aerodrome used for the movement of aircraft.

314. The operator of any airport

(a) may remove or cause to be removed from the land or water surface of the airport

(i) any vehicle or other obstruction on the land, and

(ii) any logs or other floating obstruction or obstacle in the water,

that in his opinion, constitutes a menace to the safe operation of aircraft at or in the vicinity of the airport; and

(b) may convey or cause to be conveyed the thing causing the obstruction or obstacle to such convenient place as he deems suitable and proper.

315. The use of any licensed or unlicensed area for landing or taking off an aircraft is prima facie proof of the acceptance by the pilot-in-command of the aircraft of the suitability of that area for the intended operation.

PART IV

PERSONNEL LICENSING

400. Except as provided in this Part, no person shall fly or attempt to fly as a flight crew member of an aircraft unless he is the holder of a valid and subsisting licence or permit appropriate to his duties, issued under this Part.

401. Except as otherwise directed by the Minister, a person is entitled to fly as a flight crew member of an aircraft registered in a contracting state only if

(a) he is the holder of a licence or permit appropriate to his duties issued or validated under the laws of that state; and

(b) he is not a Canadian citizen, a landed immigrant or a person ordinarily resident in Canada who has been refused an equivalent Canadian licence.

402. The Minister may direct that no person shall perform or attempt to perform duties, other than duties of a flight crew member, of a kind specified by the Minister, that affect or may affect the safety of any aircraft, unless that person is the holder of a licence appropriate to his duties, issued under this Part.

403. The Minister may make directions specifying

(a) the various classes of licences and permits that may be issued under this Part;

(b) the duties and functions that may be carried out by the holder of a licence or permit of any class;

(c) the category, class or type of aircraft and the types of aircraft operations in which the privileges attaching to licences or permits of flight crew members may be exercised;

(d) the qualifications as to age, physical conditions, knowledge, experience and skill of persons to whom licences or permits may be issued under this Part;

(e) the nature of the examinations or tests to be undergone and information to be submitted by any person applying to have a licence or permit issued, renewed or validated or to have the conditions or privileges of a licence or permit varied; and

(f) such other conditions and limitations as the Minister deems advisable affecting the privileges attaching to licences or permits issued under this Part.

404. The Minister may, upon being satisfied as to the qualifications of any applicant,

(a) issue to the applicant a licence or permit appropriate to his qualifications, in a form prescribed by the Minister;

404. (Cont'd)

(b) issue to the applicant a document, in a form prescribed by the Minister, validating in Canada any licence appropriate to the qualifications of the applicant, held by the applicant under the laws of a contracting state or a country that is a party to an agreement entered into with Canada relating to interstate flying; or

(c) enter on any licence or permit held by the applicant an endorsement extending to the applicant the privilege of performing additional duties or functions appropriate to his qualifications.

405. No licence or permit shall be issued to a person and no licence held by a person shall be validated under this Part unless that person is

(a) a Canadian citizen;

(b) a person lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than six years; or

(c) a citizen or subject of a contracting state that grants like privileges to Canadian citizens on equal terms and conditions as citizens or subjects of that state.

406. A licence, permit or document validating any licence issued under this Part may contain such conditions as the Minister prescribes, and the conditions may be amended at any time by the Minister.

407. The Minister may cancel or suspend a licence, permit, certificate or other document of authorization issued to any person under this Part where,

(a) the Minister, on reasonable grounds, believes that such person has violated any provision of these Regulations or any order or direction made pursuant to these Regulations; or

(b) the Minister is of the opinion that such person is incompetent or physically unfit to exercise the rights and privileges thereunder.

408. No person shall fly or attempt to fly as a flight crew member of an aircraft, or otherwise act or attempt to act in the capacity in which a licence issued or validated under this Part or a permit issued under this Part entitles him to act,

(a) if he is aware of being under any physical disability that might render him unable to meet the requirements as to physical condition for the issue or renewal of the licence or permit;

(b) while his ability so to act is impaired by alcohol or a drug;

(c) during any period for which his permit or licence or the document validating his licence has been suspended; or

(d) after his permit or licence or the document validating his licence has been cancelled or has expired.

409. (1) The Minister may, in respect of the operation of aircraft, prescribe flight time limitations and specified rest periods for flight crew members.

(2) A flight crew member who reaches a flight time limitation established under subsection (1) shall be deemed to be fatigued, and shall not continue on flight duty or be re-assigned to flight duty until such time as he has had the prescribed rest period.

410. No person shall act as a flight crew member and no operator shall require any person to act as a flight crew member if either the person or the operator has any reason to believe, having regard to the circumstances of the particular flight to be undertaken, that the person

(a) is suffering from or is likely to suffer fatigue; or

(b) would be otherwise unfit to properly perform his duties.

PART V

RULES OF THE AIR

DIVISION I

500. All Canadian aircraft in flight over the high seas shall comply with the Rules of the Air contained in Annex 2 to the Convention as amended from time to time.

DIVISION II

GENERAL RULES

501. Unless otherwise authorized by the Minister, no person shall fly an aircraft except in accordance with VFR or IFR.

502. The Minister may prescribe and delineate for air navigation purposes the horizontal and vertical limits of

(a) all controlled airspace; and

(b) all flight information regions.

502A. (1) The Minister may cause a Designated Airspace Handbook to be published and maintained in which the horizontal and vertical limits referred to in section 502 are described.

(2) The handbook referred to in subsection (1) shall specify for air navigation purposes, geographical locations of

502A. (Cont'd)

(2)

(a) restricted, prohibited or danger areas;
(b) military and sport flying areas;
(c) air defence identification zones;
(d) altimeter setting regions;
(e) standard pressure regions
(f) mountainous regions;
(g) holding points;
(h) reporting points;
(i) intersections;
(j) control towers; and
(k) such other areas and points as the Minister may direct.

503. When so directed by the Minister, visual flights may be conducted within control zones under IFR weather conditions without complying with the instrument flight rules.

504. Prior to the commencement of any flight the pilot-in-command of an aircraft shall familiarize himself with all available information appropriate to the intended flight.

505. The pilot-in-command of an aircraft shall comply with all air traffic control instructions directed to and received by him and with all air traffic control clearances received and accepted by him.

506. When so directed by the Minister, aircraft flown within controlled airspace shall comply with the instrument flight rules.

507. No person shall create a hazard to persons or property on the ground or water by dropping anything from an aircraft in flight.

508. The Minister may make directions prohibiting or restricting the navigation of aircraft over such areas as are specified by the Minister, either absolutely or subject to such exceptions or conditions as may be specified by him.

509. No object shall be towed by any aircraft, except in accordance with such conditions as may be specified by the Minister.

509A. No person shall

(a) release an unmanned free balloon; or
(b) operate a manned free balloon

having a gas carrying capacity of more than one hundred and fifteen cubic feet except with the permission of the Minister and subject to such terms and conditions as may be specified by the Minister.

509B. No person shall fly model aircraft within five miles from the centre of any control zone or aerodrome traffic zone, as set out in the Designated Airspace Handbook published under the authority of the Minister, in a manner that creates or is likely to create a hazard to aircraft.

509C. No person shall launch a rocket of any type or kind from any place in Canada without the written authorization of the Minister except

(a) a model rocket equipped with an approved model rocket engine using an approved model rocket propellent mixture; or
(b) a rocket of a type used in a fireworks display.

509D. Notwithstanding paragraph (a) of section 509C, no person shall launch a model rocket

(a) within 10 miles from the centre of any airport, control zone or aerodrome traffic zone described in the Designated Airspace Handbook;
(b) in any manner that creates or is likely to create a hazard to aircraft;
(c) in any manner that creates or is likely to create a hazard to persons or property on the ground;
(d) into any cloud; and
(e) unless a firing supervisor approved by the Royal Canadian Flying Clubs Association is present to supervise the launching.

510. Parachute descents, other than emergency descents shall not be made

(a) in controlled airspace or within any air route designated as such by the Minister except in accordance with the written authorization of the Minister;
(b) over the built-up areas of any city, town or other settlement or over an open air assembly of persons except in accordance with the written authorization of the Minister; or
(c) into any private property except with the consent of the owner of the property.

511. Except as otherwise authorized by the Minister, no person shall enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent or give upon any aircraft in flight any gymnastic or other like exhibition.

512. No aircraft shall be flown in any acrobatic flight

(a) so as to endanger or be likely to endanger air traffic in the vicinity of the aircraft;
(b) over any urban or other populous areas; or
(c) in controlled airspace or within any air route designated as such by the Minister except in accordance with the written authorization of the Minister.

513. No aircraft shall be flown in any acrobatic flight or exhibition flight over any assembly of persons except in accordance with the written authorization of the Minister.

514. No person in any aircraft shall execute any acrobatic flying unless he is the sole occupant of the aircraft or is a flying instructor authorized in accordance with these Regulations to engage in giving dual flying instructions.

515. (1) No aircraft shall be operated in such a negligent or reckless manner as to endanger or be likely to endanger the life or property of any person.

(2) No aircraft shall be flown in such a manner as to create a shock wave the effect of which is to create or likely to create a hazard to other aircraft or to persons or property on the ground.

516. The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome shall

(a) observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

(bb) conform with any directions made by the Minister relating to noise abatement;

(c) make all turns to the left, when approaching for a landing and after taking off, unless otherwise directed by the Minister, except that an air traffic control unit may authorize a turn or partial turn to the right when desirable in specific instances;

(d) land and take off, insofar as practicable into the wind unless otherwise authorized by the appropriate air traffic control unit;

(e) maintain a continuous watch on the radio frequencies designated for airport control communications or, if such continuous watch is not possible, keep a watch for such instructions as may be issued by visual means in any case where an aircraft control unit is in operation; and

(f) obtain, either by radio or by visual signal, such authorization for his movements from the appropriate air traffic control unit, if any such unit is in operation, as may be necessary for the protection of airport traffic.

517. No person shall fly an aircraft at a height of less than two thousand feet over an aerodrome except for the purpose of landing or taking off or except as otherwise directed by an air traffic control unit.

518. No aircraft shall be flown in such proximity to any other aircraft as to create a collision hazard.

519. No aircraft shall be flown in formation except by pre-arrangement between the pilots-in-command of such aircraft and, within any control zone, between the pilots-in-command of such aircraft and the appropriate air traffic control unit.

520. When two aircraft are on converging courses at approximately the same altitude, the aircraft that has the other on its right shall give way, except as follows:

(a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
(b) airships shall give way to gliders and balloons;
(c) gliders shall give way to balloons;
(d) power-driven aircraft shall give way to aircraft that are seen to be towing aircraft or other objects.

521. The aircraft that has the right-of-way shall maintain its course and speed, but nothing in this Part relieves the pilot-in-command of any aircraft from the responsibility of taking such action as is necessary to avoid collision; any aircraft that is required to keep out of the way of another shall avoid passing over or under, or crossing, ahead of the other unless passing or crossing well clear of it.

522. When two aircraft are approaching head-on or approximately so and there is danger of collision, each shall alter its course to the right.

523. An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from the obligation so to alter its course until it is entirely past and clear of the other.

524. Aircraft in flight or manoeuvring on the ground or water shall give way to other aircraft landing or about to land.

525. Where two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the latter shall not take advantage of this requirement to manoeuvre in front of another aircraft that is about to land, or to overtake that aircraft; power-driven heavier-than-air aircraft shall give way to gliders where both such aircraft are approaching an airport for the purpose of landing.

526. No aircraft shall take off or attempt to take off until such time as there is no apparent risk of collision with any other aircraft.

527. Where the pilot-in-command of an aircraft is aware that another aircraft is compelled to land, he shall give way to such other aircraft.

528. Where the pilot-in-command of an aircraft declares that an emergency situation exists as a result of which it is necessary for the appropriate air traffic control unit to give priority to such aircraft, the pilot-in-command shall, if requested to do so, make a full written report of the incident to such air trafffic control unit within forty-eight hours after the request has been made.

529. Except when taking off from or landing at an airport or military aerodrome or except as specifically authorized by the Minister, aircraft shall not be flown

(a) over the built-up areas of any city, town or other settlement or over an open-air assembly of persons, except at an altitude that will permit, in the event of an emergency, the landing of the aircraft without undue hazard to persons or property on the surface; such altitudes shall not in any case be less than one thousand feet above the highest obstacle within a horizontal radius of two thousand feet from the aircraft; and

(b) elsewhere than over any area mentioned in paragraph (a), except at altitudes of not less than five hundred feet above the surface of the ground or water, unless such flight may be made without undue hazard to persons or property on the surface.

530. The Minister may make directions with respect to cruising altitudes and altimeter settings.

531. REVOKED.

532. (1) When two aircraft or an aircraft and a vessel are approaching one another on the water and there is a risk of collision, the aircraft in question shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(2) An aircraft on the water that has another aircraft or a vessel on its right shall give way so as to keep well clear.

(3) An aircraft on the water approaching another aircraft or a vessel head-on, or approximately so, shall alter its heading to the right so as to keep well clear.

(4) The aircraft or vessel on the water that is being overtaken has the right of way, and the one overtaking shall alter its heading to keep well clear.

532. (Cont'd)

(5) The pilot-in-command of an aircraft landing on or taking off from the water shall ensure that the landing or take-off path is clear of all vessels and aircraft.

533. (1) Where an aircraft is parked or being moved at night on the manoeuvring area of an airport that is available for night flying or in proximity thereto, that aircraft shall be clearly illuminated or lighted or the area that it occupies marked with obstruction lights.

(2) Where an aircraft is on any water between sunset and sunrise and is moored or fastened to any fixed object on the land or in the water at a place other than a place where aircraft are customarily moored or fastened, that aircraft shall display a white light visible in all directions on the horizon at a distance of at least two miles.

534. The pilot-in-command of any aircraft shall, in accordance with any direction of the Minister in that behalf,

(a) submit a flight plan to the appropriate air traffic control unit prior to the commencement of any VFR flight, or

(b) submit a flight notification to the appropriate air traffic control unit, or, if communication facilities are inadequate to permit communication with an air traffic control unit, to a responsible person, prior to the commencment of any flight.

535. No person shall knowingly submit any flight plan or flight notification as required by these Regulations that contains any false or misleading statement or matter, or that is calculated to deceive any person to whom it is so required to be submitted.

536. Where any flight is made in deviation from VFR flight plan or a flight notification, the pilot-in-command of the aircraft shall, as soon as practicable, notify the person or agency with whom the flight plan or flight notification was filed of such deviation.

537. The pilot-in-command of an aircraft shall:

(a) where a VFR flight plan has been filed, report his arrival to the appropriate air traffic control unit within thirty minutes after landing, or

(b) where a flight notification has been filed with any air traffic control unit, report his arrival to the appropriate air traffic control unit within twenty-four hours of the time the pilot-in-command shall have indicated on the flight notification.

538. Except as authorized by the Minister, no person shall operate a single-engined landplane or multi-engined landplane that is unable to maintain flight in the event of failure of the critical engine on a commercial air service over water beyond gliding distance from shore.

538A. Except as authorized by the Minister, no person shall commence a flight in any singe-engined aircraft or in any multi-engined aircraft that is unable to maintain flight in the event of failure of the critical engine with the intent that the flight be a trans-oceanic flight.

DIVISION III

VISUAL FLIGHT RULES (VFR)

539. In controlled airspace no flight being made in accordance with the visual flight rules shall be continued in accordance with the instrument flight rules except with the authority of the appropriate air traffic control unit.

540. When operated in accordance with the visual flight rules, aircraft shall be flown with visual reference to the ground or water unless otherwise authorized by the appropriate air traffic control unit in accordance with any directions of the Minister in that behalf.

541. VFR flights within controlled airspace and elsewhere shall be made in accordance with such VFR flight minima as may be directed by the Minister.

542. The amount of fuel and oil carried on board any aircraft at the commencement of any VFR flight shall be sufficient, anticipated wind and other weather conditions having been considered, to fly to the place of intended landing and thereafter,

(a) in the case of an aircraft other than a helicopter for forty-five minutes at normal cruising speed, and
(b) in the case of a helicopter, for twenty minutes at normal cruising speed.

543. No aircraft shall be flown under simulated instrument flight conditions unless,

(a) the aircraft is equipped with fully functioning dual controls; and
(b) a competent pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument flight conditions; the safety pilot shall have adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which his field of vision adequately supplements that of the safety pilot.

DIVISION IV

INSTRUMENT FLIGHT RULES (IFR)

544. For the purposes of any IFR flight,

(a) the pilot of the aircraft shall possess such special qualifications as may be directed by the Minister; and

(b) the aircraft shall be equipped with such instruments and radio apparatus as may be directed by the Minister.

545. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, or during IFR weather conditions a flight plan for the flight containing such information as may be specified by the Minister shall be submitted by the pilot-in-command of the aircraft to the appropriate air traffic control unit.

(2) Except as otherwise authorized by the Minister, no IFR flight shall be made in controlled airspace unless the flight plan as submitted includes an alternate airport having a landing area suitable for use by the aircraft in question.

(3) A particular alternate airport shall be included in the flight plan only when current forecasts show a trend indicating that the ceiling and visibility at that alternate airport will, at the expected time of arrival, be at or above such minima as may be specified by the Minister.

546. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, or during IFR weather conditions, an air traffic control clearance based on the flight plan shall be obtained from the appropriate Air Traffic Control Unit, and the aircraft shall be flown in accordance with such clearance, and, unless otherwise authorized by the appropriate air traffic control unit, shall follow the instrument approach procedures approved for the airport to be used.

(2) No deviations shall be made from the requirements of any air traffic control clearance except in an emergency that necessitates immediate action, in which case, as soon as possible after any action has been taken in connection with such emergency, the pilot-in-command of the aircraft shall inform the appropriate air traffic control unit of the deviation and, if necessary, obtain an amended clearance.

547. (1) Subject to subsection (2), no aircraft shall be flown in accordance with the instrument flight rules within controlled airspace unless a continuous listening watch is maintained on the appropriate radio frequency of the air traffic control unit concerned and two-way communication is established therewith.

547. (2) If unable to maintain two-way radio communication as required by subsection (1), the pilot-in-command of the aircraft shall comply with such alternative procedures as may be directed by the Minister.

548. (1) During IFR flight, position reports to the appropriate air traffic control unit shall be made over such reporting points as are designated by the Minister and over such other reporting points as are specified by the appropriate air traffic control unit in the absence of reporting points designated by the Minister, position reports to the air traffic control unit shall be made at such intervals and at such locations as are specified by such unit.

(2) All position reports required by subsection (1) shall contain such information and shall be made in such manner as may be directed by the Minister.

549. Except as authorized by the Minister, no IFR flight shall be commenced unless, wind and other anticipated meteorological conditions having been considered, sufficient fuel and oil are carried to fly to the airport of intended landing, thence to an alternate airport and thereafter for forty-five minutes at normal cruising speed.

550. Where there are indications that traffic delays may be encountered, such quantities of fuel and oil as may be necessary in addition to the minima required by this Division shall be carried to meet such conditions.

551. Except when taking off or landing, or except as specifically authorized by the Minister, aircraft in IFR flight shall not be flown except at altitudes of at least one thousand feet above the highest obstacle located within a horizontal radius of five miles from the estimated position of the aircraft in flight, but the Minister may direct that flights over any area specified by him shall not be conducted except at such higher minima altitude as may be specified by him.

552. (1) The Minister may establish standard instrument approach procedures for use under IFR for specified aerodromes, which procedures may be published in a document entitled the Canada Air Pilot.

(2) The instrument approach procedures established under subsection (1) shall specify and authorize

(a) the minimum altitudes to which a pilot-in-command may descend during an approach to a landing;
(b) the minimum visibility in which any pilot-in-command may conduct a landing or a take-off;
(c) missed approach procedures to be followed by a pilot-in-command when a landing cannot be accomplished;

552. (2)

(d) the tracks and altitudes to be followed in the conduct of the approach and the missed approach procedures; and

(e) such other information as the Minister may direct.

552A. No person shall take-off or land an aircraft at an aerodrome under IFR when the weather conditions at the aerodrome are below the minima of ceiling and visibility specified for that aerodrome in the Canada Air Pilot unless he has been authorized by the Minister to operate to lower minima and he is complying with that authorization.

553. In controlled airspace all flights being made in accordance with the instrument flight rules shall continue in accordance with the instrument flight rules, regardless of weather conditions, unless and until such time as the appropriate air traffic control unit is notified to the contrary.

554. The pilot-in-command of an aircraft may elect to conduct a flight under the instrument flight rules in conditions of visibility and distance from cloud equal to or better than VFR minima.

555. The pilot-in-command of an aircraft making an IFR flight for which a flight plan has been submitted shall report his arrival to the appropriate air traffic control unit as soon as possible after landing.

DIVISION V

LIGHTS AND VISUAL SIGNALS

556. In this Division "visible", in relation to any light or signal, means visible on a dark night in a clear atmosphere.

557. (1) By night all heavier-than-air aircraft in flight or manoeuvring on the ground and between sunset and sunrise all aircraft under way on the water shall display the following lights:

(a) a forward red light displayed on the left side and a forward green light on the right side, either steady or flashing, each showing an unobstructed light between two vertical planes whose dihedral angle is 110° when measured to the left and right respectively of the aircraft from dead ahead; such forward lights shall be spaced laterally as far apart as practicable and shall be visible at a distance of at least five miles; and

(b) a rear steady white light, or flashing white, or alternating white and red, displayed as far aft as possible, showing between two vertical planes a light visible aft throughout a dihedral angle of 140° bisected by vertical plane through the longitudinal axis of the aircraft, such light to be visible at a distance of at least three miles.

557. (2) By night all aircraft other than heavier-than-air aircraft in flight or manoeuvring on the ground shall display such lights as may be prescribed by the Minister.

(3) Aircraft carrying passengers by night shall be equipped with a functioning landing light or landing lights.

(4) No lights other than those prescribed by this section shall be displayed by any aircraft that might be mistaken for the lights so prescribed.

558. Distress and urgency signals shall be given in accordance with such directions as may be issued by the Minister, but nothing in this section shall be held to prevent the use by a member of the flight crew of an aircraft in distress of any means at his disposal to attract attention and to make known the position of the aircraft and obtain help.

559. No light signal or ground marking for the control of air traffic shall be given or displayed at any airport except by the appropriate air traffic control unit, or, if no such unit is in operation, by a person thereto authorized by the Minister, and no such signal or marking shall be given or displayed except as prescribed by section 560.

560. (1) Directional light signals to aircraft in flight shall be given as follows:

(a) a steady green light means "CLEARED TO LAND";
(b) a steady red light means "GIVE WAY TO OTHER AIRCRAFT AND CONTINUE CIRCLING";
(c) a series of green flashes means "RETURN FOR LANDING", and shall be followed at the proper time by a steady green light; and
(d) a series of red flashes means "AIRPORT UNSAFE; DO NOT LAND".

(2) Directional light signals to aircraft on the manoeuvring area of an aerodrome shall be given as follows:

(a) a steady green light means "CLEARED FOR TAKE-OFF";
(b) a steady red light means "STOP";
(c) a series of green flashes means "CLEARED TO TAXI";
(d) a series of red flashes means "TAXI CLEAR OF LANDING AREA IN USE"; and
(e) a flashing white light means "RETURN TO STARTING POINT ON AIRPORT".

(3) The firing of a red pyrotechnical light, whether by day or night and notwithstanding any previous instruction, means "DO NOT LAND FOR THE TIME BEING".

560. (4) By day or by night a series of projectiles discharged at intervals of ten seconds, each showing on bursting, red and green lights or stars, means:"YOU ARE IN THE VICINITY OF A PROHIBITED, DANGER OR RESTRICTED AREA, ALTER COURSE".

(5) Ground markings displayed for the control of air traffic at any aerodrome or other areas on the land or water shall be in accordance with such directions as may be issued by the Minister.

561. The pilot-in-command of an aircraft in respect of which any light signal or ground marking is given or displayed as prescribed by section 560 shall comply with such signal or marking according to its meaning.

PART VI

AIR TRAFFIC CONTROL

600. The Minister may, subject to these Regulations, make such directions as he deems necessary

(a) respecting the provision of air traffic control service within such portions of the airspace and at such airports as may be specified by him; and

(b) respecting the standards and procedures to be followed in the operation of any air traffic control service or any air traffic control unit.

601. Any person who, by virtue of his employment in association with the movement of air traffic, is under a duty to forward information received by him to an appropriate air traffic control unit, shall immediately upon receipt of the information or as soon thereafter as possible, forward such information to the appropriate air traffic control unit.

PART VII

COMMERCIAL AIR SERVICE OPERATIONS

700. No person shall operate a commercial air service in Canada unless he holds a valid and subsisting certificate issued by the Minister certifying that the holder thereof is adequately equipped and able to conduct a safe operation as an air carrier.

701. Every certificate issued under this Part shall be in such form as the Minister prescribes and shall contain such special terms and conditions for the safe and proper operation of the service as the Minister deems necessary.

701A. No Canadian air carrier that is the holder of a certificate issued under this Part may operate an aircraft on a commercial air service in Canada unless the aircraft is registered

(a) under Part II of these Regulations as a commercial aircraft; or

(b) in a contracting state and special permission has been granted by the Minister to use the aircraft on a commercial air service in Canada.

702. Subject to these Regulations, no person shall operate any commercial air service except in accordance with such standards for the safe and proper operation of the service as may be prescribed by the Minister.

703. The Minister may cancel or suspend a certificate issued under this Part where

(a) the person to whom the certificate is issued has failed to conduct the service in a safe and proper manner or to maintain adequately the equipment required in connection with the operation of a service,

(b) the certificate has been mutilated, altered or rendered illegible, or

(c) the service in respect of which the certificate was issued is discontinued.

704. Every owner of a commercial aircraft shall make such returns and furnish such particulars to the Minister in connection with the aircraft as the Minister may prescribe.

705. (1) Every operator of a commercial air service shall, when required by a person thereto authorized by the Minister, permit such person to have access to and to inspect and examine all parts of the premises, aircraft and equipment used in such commercial air service, including aircraft when in flight whether on scheduled or non-scheduled commercial flights or otherwise.

(2) The Minister may make such inquiries into the manner of conducting any commercial air service as he deems necessary for purposes of this Part.

PART VIII

DIVISION I

MISCELLANEOUS PROVISIONS

800. (1) Explosives and other dangerous articles or substances shall not be carried on board any aircraft except as authorized by the Minister.

800. (2) No person shall send or take upon an aircraft any explosives or other dangerous articles or substances without distinctly marking their nature on the outside of the containers thereof or otherwise giving notice thereof to the person in charge of the aircraft, or the person whose duty it is to receive such goods on board.

(3) Subsections (1) and (2) do not apply in respect of explosives or other dangerous articles or substances necessary for the operation of the aircraft or for the safety of crew members or passengers on board.

(4) The pilot-in-command of an aircraft shall, if practicable, advise the appropriate air traffic control unit when explosives or other dangerous articles or substances are carried on the aircraft.

800A. No weapons, ammunition or other equipment designed for use in warfare shall be carried on board an aircraft unless that aircraft is registered under Part II of these Regulations or the Minister has authorized the carriage of such equipment.

801. The engine or engines of any aircraft shall not be started unless the pilot's seat is occupied by a person competent to control the aircraft or unless the aircraft is prevented from moving forward, and the engines shall not be left running unless the pilot's seat is occupied by a person competent to control the aircraft.

802. No person shall take off from or land at an aerodrome at night with an aircraft unless the aerodrome is lighted as prescribed pursuant to section 311.

803. (1) The pilot-in-command of an aircraft who is given a signal to land, in a form prescribed by the Minister, or given any instruction to land shall, subject to any direction given by any air traffic control unit, forthwith land the aircraft in accordance with the signal or instruction.

(2) For the purpose of subsection (1), a signal or instruction to land may be given by a peace officer, an officer of customs or immigration, an officer of the Canadian Armed Forces acting within the scope of his duty or any person thereto authorized by the Minister.

(3) No person shall give any signal or instruction to land as provided in subsection (1) without good and sufficient cause, and for the purposes of any prosecution for the contravention of the provisions of this subsection the onus of proof that he had such good and sufficient cause is on the person accused of such contravention.

804. The owner or operator of an aircraft shall, upon notice by mail to his registered address given by the Minister, advise the Minister as to where the aircraft is then stationed and whether or not it is then in a serviceable condition.

805. The owner or operator of any aircraft shall, upon reasonable notice given to him by the Minister, make available such aircraft for inspection in accordance with the notice.

806. Every person who

(a) is the holder of any licence, certificate, or permit issued under these Regulations;

(b) is the owner, operator or pilot-in-command of any aircraft in respect of which any certificate, log book or other document is kept; or

(c) has in his possession any licence, certificate or permit issued under these Regulations or any log book or other document relating to any aircraft or commercial air service;

shall, upon demand,

(d) produce the licence, certificate, permit, log book or other document, as the case may be, for inspection by a peace officer, officer of customs or immigration or any person thereto authorized by the Minister; or

(e) surrender the licence, certificate, permit, log book or other document, as the case may be, to a peace officer or any person thereto authorized by the Minister.

807. Where any licence, certificate, permit or other document issued under these Regulations has been cancelled or suspended, the person to whom it was issued shall forthwith return it to the Minister.

808. The Minister may withhold the issue of any licence, certificate, permit or other document under these Regulations if, in his opinion, the issue thereof is not in the public interest.

809. (1) No person shall knowingly

(a) use, deal with or act upon any licence, certificate, permit or other document issued under these Regulations that has been cancelled or suspended, or to which he is not by these Regulations entitled;

(b) lend any licence, certificate, permit or other document issued under these Regulations to any person who is not by these Regulations entitled thereto, or allow the same to be used by any such person;

(c) make or assist in making or procure the making of any false representations for the purpose of obtaining for himself or any other person the issuance of a certificate, permit or other documents issued under these Regulations; or

809. (1)

(d) mutilate, alter or render illegible any licence, certificate, permit or other document issued under these Regulations.

(2) No person shall knowingly mutilate, alter or render illegible any log book or any entry made therein, or make, procure or assist in the making of, any false entry in, or omission from, any log book, nor shall any person knowingly destroy any log book during the period for which it is required by these Regulations to be kept.

810. REVOKED.

811. Where the Minister has reason to believe, upon complaint or otherwise, that an aircraft within Canada is intended or is about to proceed upon a flight in contravention of these Regulations or while in a condition unfit for flight, he may make such directions and take such action by way of the provisional detention of the aircraft or otherwise as he deems necessary, for the purpose of causing the circumstances relating to the flight to be investigated, or the aircraft to be detained until such time as he is satisfied that the Regulations are being complied with or until such alterations or repairs as he deems necessary to render the aircraft fit for flying have been made.

812. No person shall wilfully obstruct or impede any person in the execution of his powers or duties under these Regulations.

813. Neglect on the part of any person to whom any licence, certificate, or permit has been issued under these Regulations of any precaution that may be required by the ordinary practice of the air or by the special circumstances of the case, or the contravention of these Regulations or any direction of the Minister thereunder by any such person is cause for the suspension of such licence, certificate or permit.

814. Failure on the part of any person to whom any licence, certificate or permit has been issued under these Regulations to observe or comply with the conditions upon which such licence, certificate or permit was issued shall be deemed to constitute a contravention of these Regulations by such person.

815. Every person who

(a) flies or manoeuvres or otherwise uses or operates any aircraft contrary to the provisions of these Regulations or any direction of the Minister thereunder;
(b) uses or operates any aerodrome contrary to the provisions referred to in paragraph (a);
(c) is a party to any act described in paragraph (a) or (b);
(d) is the owner or operator or the pilot-in-command of any aircraft by means of which any act described in paragraph (a) is committed; or
(e) is the operator of any aerodrome in respect of which any act described in paragraph (b) is committed;

shall be deemed to have contravened the provisions so referred to unless, in any prosecution for such contravention, he establishes that the act so described took place without his knowledge or consent or that he exercised all due diligence to prevent its commission.

816. (1) In complying with these Regulations due regard shall be had to all dangers of navigation and of possible collision, and to any special circumstances rendering non-compliance therewith necessary to avoid immediate danger.

(2) In any prosecution for a contravention of these Regulations or any direction of the Minister thereunder it is a good defence if the person charged therewith establishes that the contravention took place due to stress of weather or other unavoidable cause as contemplated by this section.

817. Nothing in these Regulations shall be held to relieve the owner, operator or flight crew member of an aircraft of the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or neglect of any precaution that is required by the ordinary practice of the air or by the special circumstances of the case.

818. Before any licence, certificate or permit is issued or any endorsement or validation made pursuant to these Regulations, the applicant therefor shall remit to the Minister the appropriate fee set out in the Schedule.

SCHEDULE

FEES

Document or Service for which Fee is Payable	Amount of Fee
1. Issue of a student pilot permit, student glider pilot permit, student gyroplane pilot permit, student free baloon pilot permit or private pilot permit (tourist)	$ 5.00

SCHEDULE

FEES (Cont'd)

	Document or Service for which Fee is Payable	Amount of Fee
2.	Issue of a private pilot licence, glider pilot licence, gyroplane pilot licence or free balloon pilot licence....	$10.00
3.	Issue of a commercial pilot licence, aircraft maintenance engineer licence, air traffic controller licence or flight engineer licence.....	15.00
4.	Issue of a senior commercial pilot licence, airline transport pilot licence or flight navigator licence.....	20.00
5.	Issue of a temporary personnel licence.....	5.00
6.	Re-issue of a personnel licence.....	5.00
7.	Replacement of a personnel licence declared lost	10.00
8.	Validation of a personnel licence issued by a Contracting State.....	10.00
9.	Extension or renewal of a personnel licence or permit issued or validated under these Regulations.....	5.00
10.	Endorsement of a pilot, flight engineer, flight navigator or air traffic controller licence for additional privileges.....	5.00
11.	Endorsement of an aircraft maintenance engineer licence for additional privileges under category "A", "B" or "D".....	10.00
12.	Any other endorsement of an aircraft maintenance engineer licence for additional privileges.....	5.00
13.	Conduct of the re-writing of an examination required for the issue of a licence, certificate or permit or validation or endorsement thereof.....	5.00
14.	Conduct of a flight test, by a Department of Transport official, of an applicant for a multi-engine rating endorsement or a commercial or senior commercial pilot licence.....	10.00
15.	Conduct of a flight test, by a Department of Transport official, of the competency of any person as the holder of, or applicant for, any type of pilot licence.....	10.00
16.	Conduct of a flight test, by a Department of Transport official, of an applicant for an initial instrument flight rating.....	15.00
17.	Conduct of a flight test, by a Department of Transport official, for the renewal of an instrument flight rating..	10.00
18.	Conduct of a flight test, by a Department of Transport official, of an applicant for an initial instructor rating..	15.00
19.	Conduct of a flight test, by a Department of Transport official, for renewal of instructor rating.....	10.00

FEES (Cont'd)

Document or Service for which Fee is Payable	Amount of Fee
20. Endorsement of a licence for instructor or instrument flight rating where the required flight test has been conducted by other than a Department of Transport official.....	$ 5.00
21. Issue of a flight permit for the purpose of a test, demonstration, or other special flight of an aircraft, other than an experimental flight.....	10.00
22. Issue of a flight permit for an experimental flight of an aircraft.....	25.00
23. Issue of a blanket flight permit authorizing the flight of two or more aircraft under specified conditions.....	25.00
24. Issue of a certificate of airworthiness.....	20.00
25. Issue of a certificate of registration.....	25.00
26. Issue of an aircraft type approval for an aircraft certificated in a transport category	50,000.00
27. Issue of an aircraft type approval for an aircraft certificated in a non-transport category.....	10,000.00
28. Issue of a supplemental type approval.....	5,000.00
29. Approval of a major modification to an aircraft.	100.00
30. Issue of a certificate to operate a commercial air service.....	50.00
31. Issue of a temporary certificate to operate a commercial air service.....	25.00
32. Aerodrome site inspection	25.00
33. Issue of a private airport licence.....	25.00
34. Renewal of a private airport licence.....	10.00
35. Issue of a licence for a small, public airport...	50.00
36. Renewal of a licence for a small, public airport	20.00
37. Issue of a licence for a large, public airport ...	200.00
38. Renewal of a licence for a large, public airport.	100.00

819. No photograph shall be taken of any penitentiary as defined in the Penitentiary Act, except with the permission of the Minister.

820. All crew members shall, during flight time, be responsible to and obey the orders, instructions and commands of the pilot-in-command or such person as the pilot-in-command may authorize on his behalf.

820A. (1) In this section "intoxicating liquor" means any fermented, spiritous, beer or malt liquor or combination of such liquors that contain more than two and one-half per cent proof spirits.

(2) No person on board an aircraft shall consume an intoxicating liquor or any beverage containing an intoxicating liquor unless the intoxicating liquor or beverage has been provided to that person by the owner or operator of the aircraft.

(3) No person on board an aircraft shall provide an intoxicating liquor or beverage containing an intoxicating liquor to any person on board that aircraft who is intoxicated or appears to be intoxicated.

820B. No person shall have any weapon in his possession while on board an aircraft of twelve thousand five hundred pounds gross allowable weight or more that is engaged in the transportation of passengers on a unit toll basis unless

(a) he is
  (i) a peace officer within the meaning of the Criminal Code,
  (ii) an officer of Her Majesty, or
  (iii) an employee of the owner or operator of the aircraft authorized to carry such a weapon in the performance of his duties as such an officer or employee, or
(b) the weapon is a firearm that has been rendered inoperative prior to being carried on board the aircraft and cannot be rendered operative while on board the aircraft.

DIVISION II

CERTIFICATES, LICENCES, MANUALS, LOGS AND RECORDS

821. No person shally fly an aircraft unless there is carried on board the aircraft

(a) the licences or permits of all members of the flight crew;
(b) the certificate of registration and the certificate of airworthiness or flight permit relating to the aircraft;
(c) the licence for the radio apparatus in the aircraft and the certificate of proficiency of the operator of the apparatus issued under the Radio Act; and
(d) unless otherwise authorized by the Minister, a journey log relating to the aircraft.

822. Every owner of an aircraft registered under these Regulations shall maintain for that aircraft an aircraft journey log book and an aircraft technical log book of a kind approved by the Minister and shall enter therein such particulars as may be specified by the Minister.

823. Entries in logs maintained pursuant to section 822 shall be made accurately and in ink by a competent person and signed by that person as soon as possible after the events they record.

823A. No person shall alter or erase an entry made in a log maintained pursuant to section 822, tear or remove any leaf therefrom or otherwise deface or destroy the log.

824. Every owner of an aircraft shall preserve each log maintained for an aircraft pursuant to section 822 for a period of not less than two years after

(a) the date of the last entry in the log, in the case of an aircraft journey log; or

(b) the date upon which the aircraft is destroyed or permanently withdrawn from use, in the case of a technical log.

824A. Every owner of an aircraft shall, on the first page of every log taken into use to replace another log, enter the last two entries from the log so replaced.

825. In any prosecution for a contravention of these Regulations or any direction of theMinister thereunder, an entry in any log book is, as against the person who made the entry and the owner and operator of the aircraft to which the log book relates, prima facie proof of the truth of the statements contained therein.

DIVISION III

AIRCRAFT ACCIDENT INVESTIGATION

826. (1) Where an aircraft accident occurs, the pilot-in-command and the operator of the aircraft involved shall, as soon as possible thereafter and by the quickest means of communication available, report to the Minister the date and place of the accident and such other particulars thereof as the Minister may direct.

(2) Where an aircraft is missing on a flight, the owner and the operator of the aircraft shall, by the quickest means of communication available, notify the Minister of the fact in accordance with any direction of the Minister in that behalf.

826. (3) Performance by any person of any duty imposed by this section to report an aircraft accident or to notify the Minister of any aircraft missing on a flight relieves any other person from the obligation to perform the duty so imposed.

827. (1) No person shall displace, move or interfere with an aircraft involved in an aircraft accident or the contents of any such aircraft, without first having obtained permission to do so from the Minister, except that the aircraft or any part or contents thereof may be displaced or moved as may be necessary to extricate any person, to prevent destruction by fire or other cause or to avoid danger to any person or property.

(2) Subject to subsection (1), no person shall interfere with or otherwise disturb an aircraft accident site.

(3) Where an aircraft is to be displaced or moved pursuant to subsection (1), the person directing or otherwise supervising or arranging the action shall, to the fullest extent possible in the circumstances and prior to the moving of the aircraft, wreckage, aircraft contents or the disturbance of the site, record by means of a diagram, photographs and notes, the condition of the aircraft, aircraft contents and aircraft accident site.

828. (1) Where an aircraft accident occurs, the operator or his representative shall to the fullest extent possible, preserve and protect

(a) the wreckage of the aircraft, its contents and the aircraft accident site until such time as an aircraft accident investigator arrives to take charge or otherwise authorizes the release of the wreckage of the aircraft, its contents and the aircraft accident site, and

(b) all records and documents pertaining to the flight crew members involved, the aircraft, its contents and components, the flight recorder and all materials concerning the flight during which the accident occurred

and shall surrender the records, documents and materials concerning the flight to an aircraft accident investigator on demand.

829. (1) The Minister may designate a person as an aircraft accident investigator to investigate any aircraft accident.

(2) In respect of any aircraft accident, an aircraft accident investigator shall have the authority

(a) to enter the aircraft accident site whether or not it is located on private or public property and make any necessary arrangement for

(i) the protection of the aircraft accident site, and

(ii) the control of access of all persons to the aircraft accident site;

829. (2) (Cont'd)

(b) to examine, preserve, remove, test or arrange for the testing of any part of the wreckage or its contents and any marks made by the aircraft;

(c) to require the performance of autopsies on flight crew members and passengers and to require such other medical examination of human remains as he deems necessary and, for this purpose, to arrange for the transportation of human remains to appropriate facilities;

(d) to enter the premises of the owner, manufacturer, repairer, servicer or operator of any aircraft, aircraft engine or component of any aircraft or aircraft engine involved in an aircraft accident, to inspect the premises including any equipment, stock or records found therein and to take possession of samples thereof; and

(e) to take statements and hear and receive evidence upon oath or otherwise.

830. (1) An aircraft accident investigator may, by writing under his hand, require any person to attend and give evidence before him.

(2) Every person required to give evidence before an aircraft accident investigator in the manner prescribed in subsection (1) shall attend and give evidence upon being so required.

(3) Any person who attends and gives evidence before an aircraft accident investigator pursuant to this section, is entitled to be paid

(a) reasonable travelling and living expenses incurred by him in so attending and giving evidence; and

(b) the witness fees prescribed in the tariff of fees in use in the superior courts of the province in which his evidence is given.

830A. An accident to a foreign aircraft that occurs in Canada or the waters of Canada, shall be investigated and the provisions of Annex 13 to the Convention on International Civil Aviation shall apply to the investigation except for and to the extent of any difference to Annex 13 that may be filed with the International Civil Aviation Organization by CANADA.

DIVISION IV

TRANSITIONAL AND OTHER PROVISIONS

831. A reference in these Regulations to the Minister includes, in relation to any particular power, duty or function of the Minister, under these Regulations, a reference to any person authorized by the Minister to exercise or perform such power, duty or function.

832. Any registration effected or, with reference to any document, any act or thing done under the authority of the provision of the Air Regulations established by Order in Council P.C. 1954-1821 of November 23, 1954, or of any Part, section, paragraph or other portion thereof, shall, for the purposes of these Regulations, be deemed to have been effected or done, as the case may be, under the provisions of these Regulations or of any Part, Division, section, subsection or other portion thereof corresponding to the provisions so referred to.

AERONAUTICS ACT

This Fifth Edition incorporates the following portions of the Statutes of Canada.

CHAPTER 2 - R.S.C. 1952
and Amendments

CHAPTER 302 - R.S.C. 1952

CHAPTER 22 - S.C. 1964
(Territorial Sea and Fishing Zones of Canada Act
Amendments to Aeronautics Act)

CHAPTER 10 - S.C. 1966

CHAPTER 69 - S.C. 1967
(National Transportation Act
Amendments to Aeronautics Act)

CHAPTER 13 - S. C. 1969

OFFICE CONSOLIDATION

CHAPTER 2

An Act to authorize the control of Aeronautics.

SHORT TITLE

1. This Act may be cited as the Aeronautics Act. R.S., c. 3, s. 1.

PART 1

1944-45, c. 28, s. 1.

INTERPRETATION

2. In this Part, "Minister" means the Minister of Transport or such other Minister as the Governor in Council may from time to time designate, except that in any matter relating to defence, "Minister" means the Minister of National Defence. 1950, c. 23, s. 1.

3. It is the duty of the Minister

(a) to supervise all matters connected with aeronautics;

(b) to undertake, and to co-operate with persons undertaking, such projects, technical research, study or investigation as in his opinion will promote the development of aeronautics in Canada;

(c) to construct and maintain all Government aerodromes and air stations, including all plant, machinery and buildings necessary for their efficient equipment and upkeep;

(d) to control and manage all aircraft and equipment necessary for the conduct of any of Her Majesty's services;

(e) to operate such services as the Governor in Council may approve;

(f) to prescribe aerial routes;

(g) to co-operate with other officers of Her Majesty, and to assist in the carrying out of any services under their jurisdiction that may require aerial work of any nature, and to collaborate with the officers employed in existing air services of Her Majesty in such extension of their present work as the development of aeronautics may require;

(h) to take such action as may be necessary to secure, by international regulation or otherwise, the rights of Her Majesty in respect of Her Government of Canada, in international air traffic;

(i) to co-operate with the officers of his Department on all questions relating to the air defence of Canada;

(j) to co-operate with the Air staffs or authorities of other governments or countries for any purposes pertaining to air services;

(k) to investigate, examine and report on the operation and development of commercial air services within or partly within Canada, including the territorial sea of Canada and all waters on the landward side thereof;

(l) to consider, draft and prepare for approval by the Governor in Council such regulations as may be considered necessary for the control or operation of aeronautics in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and for the control or operation of aircraft registered in Canada wherever such aircraft may be; and

(m) to perform such other duties as the Governor in Council may from time to time impose. R.S., c.3, s.3; 1950, c.23, s.2.

3A. The Governor in Council may make regulations

(a) Repealed.

(b) imposing upon the owners or operators of aircraft, wherever resident, in respect of flights within Canada, charges for the availability during such flights of any facility or service provided by or on behalf of the Minister, and every charge so imposed constitutes a legal obligation enforceable by Her Majesty by action in the Exchequer Court of Canada.

3B. The Governor in Council may make regulations, or, subject to and in accordance with such terms and conditions as may be specified by him, authorize the Minister to make regulations prescribing charges for the use of

(a) any facility or service provided by the Minister or on his behalf for or in respect of any aircraft;

(b) any facility or service not coming within paragraph (a) provided by the Minister or on his behalf at any airport.

4. (1) Subject to the approval of the Governor in Council the Minister may make regulations to control and regulate air navigation over Canada, including the territorial sea of Canada and all waters on the landward side thereof, and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to

(a) licensing pilots and other persons engaged in the navigation of aircraft, and the suspension and revocation of such licences;

(b) the registration, identification, inspection, certification, and licensing of all aircraft;

(c) the licensing, inspection and regulation of all aerodromes and air-stations;

(d) the conditions under which aircraft may be used or operated;

(e) the conditions under which goods, mails and passengers may be transported in aircraft and under which any act may be performed in or from aircraft or under which aircraft may be employed;

(f) the prohibition of navigation of aircraft over such areas as may be prescribed, either at all times or at such times or on such occasions only as may be specified in the regulation, and either absolutely or subject to such exceptions or conditions as may be so specified;

(g) the areas within which aircraft coming from any places outside of Canada are to land, and the conditions to be complied with by any such aircraft;

(h) aerial routes, their use and control;

(i) the institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and of aircraft registered in Canada wherever such aircraft may be;

(j) the height, use and location of buildings, structures and objects, including objects of natural growth, situated on lands adjacent to or in the vicinity of airports, for purposes relating to navigation of aircraft and use and operation of airports, and including, for such purposes, regulations restricting, regulating or prohibiting the doing of anything or the suffering of anything to be done on any such lands, or the construction or use of any such building, structure or object;

(k) the maximum hours of work and other working conditions for pilots, co-pilots, navigators and flight engineers employed by any person operating a commercial air service licensed by the Canadian Transport Commission;

(l) the entering of the premises of any aircraft manufacturer and the inspecting of those premises, including any equipment, stock or records found therein for the purpose of determining the airworthiness of aircraft manufactured by that manufacturer;

(m) the preservation, protection and removal of aircraft involved in accidents, including the cargo thereof, the preservation, protection, removal and testing of any part of such aircraft and the protection of aircraft accident sites;

(n) the use and operation of rockets, moored balloons and kites that, in the opinion of the Minister, are hazardous to air navigation; and

(o) the investigation of any accident involving an aircraft, of any alleged breach of any regulation made under this section or of any incident involving an aircraft that, in the opinion of the Minister, endangered the safety of persons, including regulations with respect to the entering of premises of the owner, manufacturer, repairer, servicer or operator of any aircraft, aircraft engine or component of an aircraft or aircraft engine involved in any such accident, alleged breach or incident and the inspection of such premises including any equipment, stock or records found therein, and with respect to the taking of statements by investigators for the purpose of any such investigation.

(2) Any regulation made under subsection (1) may authorize the Minister to make orders or directions with respect to such matters coming within this section as the regulations may prescribe.

(2a) The Minister may authorize the Deputy Minister of Transport to make orders or directions referred to in subsection (2) with respect to the matters referred to in paragraph (f) of subsection (1)

(3) Every person who violates the provisions of a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

(4) Every person who violates an order or direction of the Minister made under a regulation, or who obstructs or hinders an investigation carried on under the provisions of this Act or the regulations, is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(4a) Where a person has violated a provision of a regulation or an order or direction of the Minister made under a regulation with respect to the operation over the high seas or any territory not within Canada of an aircraft registered in Canada the violation of which is an offence by virtue of subsection (3) or (4), the offence is within the competence of and may be charged, tried and punished by the court having jurisdiction in respect of similar offences in the judicial division of Canada where that person is found in the same manner as if the offence had been committed in that judicial division.

(5) In addition to any other mode of publication prescribed by law, a copy of every regulation made under the authority of paragraph (j) of subsection (1), (in this section called a "zoning regulation"), shall be published in two successive issues of at least two newspapers serving the area wherein the airport in relation to which the regulation was made is situated.

(6) A plan and description of the lands affected by a zoning regulation shall be signed and deposited in the same manner as a plan and description is by subsection (1) of section 9 of the Expropriation Act required to be signed and deposited, and a copy of the regulation shall be deposited with the plan and description.

(7) Where a regulation deposited as required by subsection (6) is amended, a copy of the amendment shall be deposited in the same office where the regulation amended thereby was deposited, but a further plan and description need not be deposited unless additional lands are affected by the amendment.

(8) Every person whose property is injuriously affected by the operation of a zoning regulation is entitled to recover from Her Majesty, as compensation, the amount, if any, by which the property was decreased in value by the enactment of the regulation, minus an amount equal to any increase in the value of the property that occurred after the claimant became the owner thereof and is attributable to the airport.

(9) No proceedings to recover any compensation to which a person may be entitled under subsection (8) by reason of the operation of a zoning regulation shall be brought except within two years after a copy of the regulations was deposited pursuant to subsection (6) or (7).

5. (1) The Governor in Council may make regulations prescribing the compensation to be paid, the persons to whom, and the manner in which, such compensation shall be payable, for the death or injury resulting directly from a flight undertaken in the course of duty in the public service of Canada of any person employed in the public service of Canada, or employed under the direction of any department of the public service of Canada.

(2) Such regulations shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the said compensation, instead of the compensation, gratuity or pension under any such other Act. R.S., c. 3, s. 7.

5A (1) The Minister may establish a board of inquiry to investigate the circumstances of any accident involving an aircraft or of any alleged breach of any regulation made under section 4 or of any incident involving an aircraft that, in the opinion of the Minister, endangered the safety of persons, and may designate the persons that are to be members of that board.

(2) Every person designated by the Minister as a member of a board of inquiry has and may exercise all the powers of a person appointed as a commissioner under Part I of the Inquiries Act, including the powers that may be conferred on a commissioner under section II of that Act, and may administer such oaths and take and receive such affidavits, declarations and affirmations as are necessary for the purpose of the inquiry.

(3) Every witness who attends and gives evidence before a board of inquiry established pursuant to subsection (1) is entitled to be paid

(a) reasonable travelling and living expenses incurred by him in so attending and giving evidence; and

(b) the witness fees prescribed in the tariff of fees in use in the superior courts of the province in which his evidence is given.

(4) Each board of inquiry shall send a full report of the inquiry conducted by it to the Minister.

PART II

INTERPRETATION

6. (1) In this Part,

(a) "aircraft" means any machine used or designed for navigation of the air;

(b) "air carrier" means any person who operates a commercial air service;

(c) "Commission" means the Canadian Transport Commission;

(d) "commercial air service" means any use of aircraft in or over Canada for hire or reward;

(e) "hire or reward" means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft;

(ea) "licence" includes a temporary licence or permit to operate a seasonal, emergency or occasional commercial air service; and

(f) "Minister" means the Minister of Transport or the Minister designated by the Governor in Council under section 2.

(2) This Part does not apply to aircraft that are used by Her Majesty's Forces or by any armed forces co-operating with Her Majesty's Forces and bear the insignia or markings of Her Majesty's Forces or any such forces. 1944-45, c. 28, s. 6; 1945, c. 9, s. 1; 1950, c. 23, s. 4.

7. Repealed.

8. (1) The Commission has full jurisdiction to inquire into, hear and determine any matter

(a) where it appears to the Commission that any person has failed to do any act, matter or thing required to be done by this Act or by any regulation, licence, permit, order or direction made thereunder by the Commission, or that any person has done or is doing any act, matter or thing contrary to or in violation of this Part, or any such regulation, licence, permit, order or direction, or

(b) where it appears to the Commission that the circumstances may require the Commission, in the public interest, to make any order or give any direction, leave, sanction or approval that by law it is authorized to make or give, or with respect to any matter, act, or thing that by this Part or any such regulation, licence, permit, order or direction is prohibited, sanctioned or required to be done.

(2) The Commission may order and require any person to do, forthwith, or within or at any specified time and in any manner prescribed by the Commission so far as it is not inconsistent with this Act, any act, matter or thing that such person is or may be required to do under this Part, or any regulation, licence, permit, order or direction made thereunder by the Commission and may forbid the doing or continuing of any

8. (2) cont'd.

act, matter or thing that is contrary to this Part or any such regulation, licence, permit, order or direction and, for the purposes of this section, has full jurisdiction to hear and determine all matters, whether of law or fact.

9. Repealed.

10. The Commission may make rules for the regulation of its proceedings and the performance of its functions and duties under this Act. 1944-45, c. 28, s. 6.

11. Subject to the directions of the Minister, the Commission shall from time to time make investigations and surveys relating to the operation and development of commercial air services in Canada and relating to such other matters in connection with civil aviation as the Minister may direct. 1944-45, c. 28, s. 6.

12. The Commission shall from time to time make recommendations to the Minister with reference to any investigation or survey made by it and shall advise the Minister in the exercise of his duties and powers under this Part in all matters relating to civil aviation.

13. (1) The Commission may make regulations

(a) establishing the classification and form of licences to be issued under this Part, the terms upon which and the manner in which they shall be issued and renewed, the conditions and restrictions to which they shall be subject and the issue of duplicate licences;

(b) prescribing the terms and conditions to which licences issued under this Part shall be subject;

(c) prescribing forms of accounts and records to be kept by air carriers, and providing for access by the Commission thereto;

(d) requiring air carriers to file with the Commission returns with respect to their assets, liabilities, capitalization, revenues, expenditures, equipment, traffic, employees and any other matters to which this Part applies relating to the operation of commercial air services;

(e) requiring any person to furnish information respecting the ownership or any existing or proposed control, transfer, consolidation, merger or lease of commercial air services;

(f) requiring copies of agreements respecting any control, transfer, consolidation, merger or lease referred to in paragraph (e), copies of contracts and proposed contracts and copies of agreements affecting commercial air services to be filed with the Commission;

(g) excluding from the operation of the whole or any portion of this Part or any regulation, order or direction made or issued pursuant thereto any air carrier or commercial air service or class or group of air carriers or commercial air services;

(h) prescribing fees for licences issued under this Part and requiring applicants for such licences to furnish information respecting their financial position, their relation to other common carriers, the nature of the proposed routes, the proposed tariffs of tolls and such other matters as the Commission may consider advisable;

(i) providing for uniform bills of lading and other documentation;

(j) governing minimum insurance requirements and the filing of bonds and certificates of insurance with the Commission;

(k) establishing classifications or groups of air carriers or commercial air services;

(l) prohibiting the change of control, transfer, consolidation, merger or lease of commercial air services except subject to such conditions as may by such regulations be prescribed;

(m) respecting traffic, tolls and tariffs and providing for

(i) the disallowance or suspension of any tariff or toll by the Commission,

(ii) the substitution of a tariff or toll satisfactory to the Commission, or

(iii) the prescription by the Commission of other tariffs or tolls in lieu of the tariffs or tolls so disallowed;

(n) respecting the manner and extent to which any regulations with respect to traffic, tolls or tariffs shall apply to any air carrier licensed by the Commission or to any person operating an international air service pursuant to any international agreement or convention relating to civil aviation to which Canada is a party;

(o) prescribing penalties, enforceable on summary conviction for

(i) contravention of or failure to comply with any regulation or any direction or order made by the Commission pursuant to this Part or such regulations,

(ii) making any false statement or furnishing false information to or for the use or information of the Commission, or

(iii) making any false statement or furnishing false information when required to make a statement or furnish information pursuant to any regulation, direction or order of the Commission,

but such penalties shall not exceed a fine of five thousand dollars or imprisonment for a term of six months, or both;

(p) designating persons as examiners to carry out investigations on behalf of the Commission in respect of matters related to the operations of commercial air services and providing for the making of reports thereon and for other matters deemed necessary in connection with such investigations; and

(q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) Section 53 of the Railway Act applies "matatis mutandis" in respect of any regulation made by the Commission under this section.

14. Notwithstanding any previous contract or commitment or any other general or special Act or provision, no air carrier shall issue free or reduced rate transportation except with the approval in writing of the Commission and under such terms, conditions and forms as the Commission may direct. 1945, c. 9, s. 6.

15. (1) The Commission may issue to any person applying therefor a licence to operate a commercial air service in the form of licence applied for or in any other form.

(2) No such licence shall be issued in respect of a commercial air service, owned, leased, controlled or operated by any person who is engaged in the transport of goods or passengers for hire or reward by means other than aircraft unless the Governor in Council is of the opinion that it is in the public interest that such licence be issued.

(3) The Commission shall not issue any such licence unless it is satisfied that the proposed commercial air service is and will be required by the present and future public convenience and necessity.

(4) The Commission may exempt from the operation of the whole or any part of subsection (3), any air carrier or commercial air service or any class or group thereof, except a scheduled commercial air service operating wholly within Canada or the operator thereof either generally or for a limited period or in respect of a limited area, if in the opinion of the Commission such exemption is in the public interest.

(4a) Repealed.

(5) Nothwithstanding the issue of a licence under subsection (1), no air carrier shall operate a commercial air service unless he holds a valid and subsisting certificate issued to him by the Minister certifying that the holder is adequately equipped and able to conduct a safe operation as an air carrier.

(6) In issuing any licence, the Commission may prescribe the routes that may be followed or the areas to be served and may attach to the licence such conditions as the Commission may consider necessary or desirable in the public interest, and, without limiting the generality of the foregoing, the Commission may impose conditions respecting schedules, places of call, carriage of passengers and freight, insurance, and, subject to the Post Office Act, the carriage of mail.

(7) The Commission shall upon application grant to Air Canada a licence to operate a commercial air service under such terms and subject to such conditions as will enable Air Canada to perform any agreement made, under sections 15 or 24 of the Air Canada Act or between the Minister of Transport and any corporation created under section 19 of that Act. (1964, c. 2; Air Canada Act)

15. (8) The Commission may suspend, cancel or amend any licence or any part thereof where, in the opinion of the Commission, the public convenience and necessity so requires.

(9) Repealed.

(10) Where in the opinion of the Commission, an air carrier has violated any of the conditions attached to his licence the Commission may cancel or suspend the licence.

(11) Repealed.

(12) Repealed.

(13) Repealed.

16. (1) No person shall operate a commercial air service unless he holds a valid and subsisting licence issued under section 15.

(2) Every person who violates subsection (1) is guilty of an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

(3) Where a person guilty of an offence under subsection (2) is a corporation, every person who at the time of the commission of the offence was a director or officer of the corporation is guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence. 1950, c.23, s.9.

17. The Governor in Council may authorize the Minister to enter into a contract with any air carrier for the grant of such assistance, financial or otherwise, as may be specified by the Governor in Council payable out of moneys to be appropriated by Parliament for that purpose. 1944-45, c.28, s.6.

18. The powers conferred by this Part on the Commission shall be exercised subject to any international agreement or convention relating to civil aviation to which Canada is a party. 1945, c.9, s. 11.

19. Repealed.

PART III

20. Such officers, clerks and employees as may be necessary for the proper administration of this Act may be employed in the manner authorized by law. 1944-45, c.28, s.6.

21. Repealed.

22. All salaries mentioned herein and all expenses incurred under the provisions of this Act shall be paid out of such moneys as may be appropriated by Parliament therefor. 1944-45, c. 28, s. 6.

23. A prosecution for any offence under this Act or the regulations may be commenced at any time within twelve months from the time the offence is committed. 1950, c. 23, s. 10.

24. (1) In any action or proceeding under this Act or the regulations, any document purporting to be certified by the Secretary of the Department of Transport to be a true copy of any minute, decision, licence, permit, certificate, order, direction, instruction, book of reference, book entry, or other document or any part thereof is, without proof of the signature of the Secretary of the Department of Transport, evidence

(a) of the original document of which it purports to be a copy;
(b) that the original document was made, given or issued by or by the authority of or deposited with the person and was made, given, issued or deposited at the time stated in the certified copy, if a time is stated therein; and
(c) that the original document was signed, certified, attested or executed by the persons and in the manner shown in the certified copy.

(2) In any action or proceeding under this Act or the regulations, any certificate purporting to be signed by the Secretary of the Department of Transport stating that a valid and subsisting licence, permit, certificate or other document of authorization under this Act or any regulation made thereunder has or has not been issued by the Minister to a person or persons named in the said certificate is evidence of the facts therein stated, without proof of the signature of the official character of the person appearing to have signed the same and without further proof thereof.

Note: This consolidation has no parliamentary sanction. The amendments have been embodied for convenience of reference. For purposes of interpretation of the law, the original Acts should be consulted.

CROSS REFERENCE
THE AIR REGULATIONS
AND
AIR NAVIGATION ORDERS

NOTE: This index does not form part of the Air Regulations or Air Navigation Orders and is printed for convenience of reference only.

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